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9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **LOS ANGELES DIVISION**

12 In re Case No. 2:20-bk-21022-BR

13 GIRARDI KEESE, Chapter 7

14 Debtor.

15 **NOTICE OF MOTION FOR ORDER**
16 **AUTHORIZING THE TRANSITION AND**
17 **ASSIGNMENT OF THE ESTATE'S**
18 **INTERESTS IN THE TALC LITIGATION**
19 **TO ROBINSON CALCAGNIE INC. FREE**
20 **AND CLEAR OF LIENS, CLAIMS AND**
21 **INTERESTS PURSUANT TO 11 U.S.C.**
22 **§ 363**

23 **[No Hearing Required Pursuant to**
24 **Local Bankruptcy Rule 9013-1(o)]**

25 **TO ALL INTERESTED PARTIES:**

26 **PLEASE TAKE NOTICE** that Elissa D. Miller, the chapter 7 trustee for the
bankruptcy estate of Girardi Keese (the "Trustee"), has filed a *Motion for Order*
Authorizing the Transition and Assignment of the Estate's Interests in the Talc Litigation
Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. § 363 and
Approving Compromise with Robinson Calcagnie Inc. Pursuant to Federal Rule of
Bankruptcy Procedure 9019 ("Motion"). The Trustee is requesting that the Motion be
granted without a hearing as provided in Local Bankruptcy Rule 9013-1(o) unless a party
in interest timely files and serves a written opposition to the Motion and requests a
hearing. The Motion is summarized as follows:

27 1. Pre-petition, the Debtor represented approximately 178 plaintiffs against
28 Johnson & Johnson, et al. in connection with claims for personal injury from the use of

1 talcum powder (the "Talc Litigation"). Robinson Calcagnie Inc. ("RC") is currently
2 representing hundreds of plaintiffs in the Talc Litigation, and RC wishes to substitute in as
counsel for 86 of the Debtor's clients (the "Clients").

3 2. The Debtor is not able to continue to perform as counsel for the Clients and
4 RC wishes to substitute in as counsel for the Clients, subject to each Client's written
5 consent. RC is experienced in individual and class action lawsuits and has the requisite
6 expertise and resources. Mark P. Robinson, Jr., RC's senior partner, currently serves as
co-lead counsel in the coordinated proceedings in Los Angeles Superior Court, Johnson
& Johnson Talcum Powder Cases, JCCP 4872. Additionally, RC is handling hundreds of
cases filed in the federal MDL in New Jersey District Court, Johnson & Johnson Talcum
Powder Litigation, MDL 2738.

3. The Debtor's claim to fees and costs in the Talc Litigation is an asset of
8 value. Accordingly, the Trustee and RC entered into a transition agreement, whereby the
9 Trustee agreed to transfer the Estate's interest in 86 cases in the Talc Litigation to RC
(the "Agreement"). The salient terms of the Agreement are as follows:

(a) All fees that may be received by RC or the Debtor on account of the representation of the Clients in the Talc Litigation, net of (i) referral fees, and (ii) any common benefit assessments ("Fees"), shall be allocated as follows:

(i) To the Trustee for the benefit of the Estate, 20% of the Fees after deducting costs (the "Estate Allocation");

(ii) With the exception of the referrals identified in subparagraph (iii) below, to RC 80% of the Fees after deducting Costs (the "RC Allocation");

(iii) Any of the eight cases referred to the Debtor by Mary Ann Walker and/or WH Legal Group LLP, and or Walker Harding ("Walker") shall be distributed 40% to Walker, 40% to RC, and 20% to the Debtor, plus reimbursement of costs.

(d) The terms of the Agreement, and the effectiveness thereof, are subject to Court approval.

4. The proposed assignment, which is subject to each Client's consent, is in the best interests of the Estate and has been proposed in good faith. Under the Agreement, the Estate will realize 20% of any contingency fees earned plus costs on terms that are fair to the Estate. Finally, the Agreement is the product of the Trustee's arms-length negotiations with RC.

DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING: Pursuant to LBR 9013-1(o), any party who opposes the Motion may request a hearing on the Motion. The deadline to file and serve a written opposition and request for hearing is **14 days** after the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).

If you timely file and serve a written opposition and request for a hearing, the Trustee will file and serve a notice of hearing at least 14 days in advance of the hearing. If you fail to comply with this deadline:

(a) The Trustee will file a declaration to indicate (1) the Motion was properly served, (2) the response period elapsed, and (3) no party filed and served a written opposition and request for a hearing within 14 days after the date of service of the notice:

(b) The Trustee will lodge an order that the Court may use to grant the Motion; and

(c) The Court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice.

DATED: April 20, 2021

SMILEY WANG-EKVALL, LLP

By: /s/ *Lei Lei Wang Ekvall*

LEI LEI WANG EKVALL

Attorneys for Elissa D. Miller, Chapter 7
Trustee

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled (*specify*): **Notice of Motion for Order Authorizing the Transition and Assignment of the Estate's Interests in the Talc Litigation to Robinson Calcagnie, Inc., Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §363** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **4/20/2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **4/20/2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 90012

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

4/20/2021

Date

Lynnette Garrett

Printed Name

/s/ Lynnette Garrett

Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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